



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,264	08/20/2003	Vadim Bluvshteyn	MSFT125549	7483

38991 7590 03/09/2006

CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE, WA 98101-2347

EXAMINER

RAYYAN, SUSAN F

ART UNIT	PAPER NUMBER
----------	--------------

2167

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/644,264

Applicant(s)

BLUVSHTEYN ET AL.

Examiner

Susan F. Rayyan

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/12/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-39 are pending.
2. Information Disclosure Statement filed on January 12, 2004 has been considered.

Claim Objections

3. Claim 33 is objected to because of the following: claim 33 depends from claim 34. Examiner has treated the claim as depending from claim 31. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1,5-10,21,25-30,38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCaleb et al (US 6,751,794) and Kidder et al (US 004/0031030).

As per claim 1 McCaleb teaches:

extracting information about an application or a service on a computer, the information including a plurality of attributes regarding the application or service at col.4, lines 31-36 and col.5, lines 11-16, McCaleb: extracting information such as version information;

McCaleb does not explicitly teach deriving a signature for a subset of the attributes for the application or service. Kidder does teach this limitation at parg. 458, lines 9-11. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to upgrade application software in a timely manner to prevent errors and potential network device crashes due to applications not being upgraded at parg. 458, lines 4-6.

As per claim 5 same as claim arguments above and McCaleb teaches:

wherein extracting the information comprises accessing an installer component of the computer col.6, lines 49-57.

As per claim 6 same as claim arguments above and McCaleb teaches:

wherein the information is stored in connection with the installer component at col.6, lines 49-57.

As per claim 7 same as claim arguments above and McCaleb teaches:

wherein extracting the information comprises accessing more than one source for the

Art Unit: 2167

information at col.6, lines 30-57, information extracted from customer database, parts database, and clients parts database.

As per claim 8 same as claim arguments above and McCaleb teaches:
further comprising choosing a best source of the more than one sources for the information, and utilizing that best source to provide at least some of the information at col.4, lines 7-10 and col.4, lines 33-36.

As per claim 9 same as claim arguments above and McCaleb teaches:
further comprising storing information about the sources other than the best source with the information at col.3, lines 60 through col. 4, line 2. client database.

As per claims 10 same as claim arguments above and Kidder teaches:
wherein deriving a signature comprises generating a number from the subset utilizing a cyclic redundancy check at parag. 459, lines 1-2.

Claims 21,25-30 are rejected under the same rationale as claims 1,5-10 arguments .

As per claim 38 McCaleb teaches accessing stored information regarding the application or service for each of the plurality of computers at col.4, lines 60-65, client database and ... determine status of the application or service for each of the plurality of computers at col.4, lines 45-67 and col.5, lines 25-36.

McCaleb does not explicitly teach the stored information comprising a signature derived from a subset of attributes of the application or service. Kidder does teach this limitation at parag. 458, lines 9-11. It would have been obvious to one of ordinary skill

in the art at the time of the invention to combine the cited references to upgrade application software in a timely manner to prevent errors and potential network device crash due to applications not being upgraded at parg. 458, lines 4-6.

As per claim 39 same as claim arguments above and Kidder teaches:
wherein the signature represents version information for the application or service for each of the plurality of computers at parg. 458, lines 9-11.

7. Claims 2-4,11-20,22-24,31-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCaleb et al (US 6,751,794) and Kidder et al (US 004/0031030) and further in view of Wong et al (US 2003/0090531).

As per claims 2-4 same as claim arguments above and McCaleb and Kidder do not explicitly teach storing ...in an XML file. Wong does teach this limitation at parg.137. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to standardize and simplify the task of transferring data file from one type of computer system of software to another at parg. 136, lines 7-8.

As per claim 11 McCaleb teaches:
information about an application or a service on a computer, the information including a plurality of attributes regarding the application or service at col.4, lines 31-36 and col.5, lines 11-16, McCaleb: extracting information such as version information.

McCaleb does not explicitly teach a signature derived from a subset of the attributes for the application or service. Kidder does teach this limitation at parg. 458,

lines 9-11. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to upgrade application software in a timely manner to prevent errors and potential network device crashes due to applications not being upgraded at parg. 458, lines 4-6.

McCaleb and Kidder do not explicitly teach a first data field and a second data field. Wong does teach this limitation at parg.136-137. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to standardize and simplify the task of transferring data file from one type of computer system of software to another at parg. 136, lines 7-8.

As per claim 12 same as claim arguments above and Kidder teaches:
wherein the subset of attributes represents information regarding a version of the application or service at parg. 458, lines 9-11.

As per claim 13 same as claim arguments above and Kidder teaches:
wherein the signature comprises a number generated utilizing a cyclic redundancy check at parg. 459, lines 1-3.

As per claim 14 same as claim arguments above and McCaleb teaches a second subset of the attributes of the application or service at col.5, lines 14-16.

As per claim 15 same as claim arguments above and McCaleb teaches:
wherein the second subset of attributes represents information regarding a version of the application or service at col.5, lines 14-16.

As per claim 16 same as claim arguments above and Wong teaches:
wherein the data structure comprises the first data field, the second data field, and the third data field at parg. 136-137.

As per claim 17 same as claim arguments above and Wong teaches:
wherein the data structure comprises the first data field and the second data field at parg. 136-137.

As per claim 18 same as claim arguments above and Wong teaches:
wherein the data structure is stored in an XML file at parg. 136-143.

As per claim 19 same as claim arguments above and Wong teaches:
wherein the first data field is stored in an XML file at parg. 136-143.

As per claim 20 same as claim arguments above and Wong teaches:
wherein the second data field is stored in an XML file at parg. 136-143.

Claims 22-24 are rejected under the same rationale as claim 2-4 arguments.

As per claim 31 McCaleb teaches:
information about executables associated with an application or a service on a computer, the information including a plurality of attributes for each executable at col.4, lines 31-36 and col.5, lines 11-16, McCaleb: extracting information such as version information.

McCaleb does not explicitly teach a signature derived from a combined set of

Art Unit: 2167

attributes from each of the executables. Kidder does teach this limitation at parg. 458, lines 9-11. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to upgrade application software in a timely manner to prevent errors and potential network device crashes due to applications not being upgraded at parg. 458, lines 4-6.

McCaleb and Kidder do not explicitly teach a first data field and a second data field. Wong does teach this limitation at parg. 136-137. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to standardize and simplify the task of transferring data file from one type of computer system of software to another at parg. 136, lines 7-8.

Claims 32-37 are rejected under the same rationale as claims 10, 17-20 arguments.

Contact Information

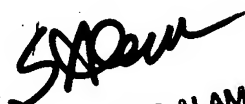
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Rayyan whose telephone number is (571) 272-1675. The examiner can normally be reached M-F: 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shahid Alam can be reached on (571) 272-4030. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Susan Rayyan

March 5, 2006


SHAHID ALAM
PRIMARY EXAMINER